

REMARKS

Claims 2-16, 18, 19 and 22-25 are pending in this application. Claim 23 is herewith amended and new Claims 26-29 are added. No claims are canceled. Thus, with the entry of this amendment, Claims 2-16, 18, 19 and 22-29 will be active in this case.

I. MISCELLANEOUS

Applicants hereby wish to draw the Examiner's attention to the following copending applications:

U.S. Serial No. 08/460,069

U.S. Serial No. 08/460,656

U.S. Serial No. 08/460,691

U.S. Serial No. 08/460,279

Applicants also draw the Examiner's attention to the Information Disclosure Statement being filed simultaneously with this response.

The Examiner has stated that Claims 2, 3, 7, 16, 18, 19 and 22 are allowed.

II. REJECTION UNDER 35 U.S.C. § 112

The Examiner rejects Claim 24 under 35 U.S.C. § 112, first paragraph, for the asserted reason that the specification is not enabling. According to the Examiner, the problem with Claim 24 is that it recites β PDGFR and the sequence of this receptor is not in the specification. Because this Examiner considers the sequence of β PDGFR to be essential, he says it is improper to enable it by "incorporation by reference" as we have done through the citation of Yarden. He cites the M.P.E.P. which states that incorporation by reference of essential material is improper and that the essential material must be added by amendment accompanied by an affidavit. He also states that we have not met our burden of showing the sequence of β PDGFR was known in the art at the time of the invention because we have only cited Yarden. Applicants respectfully but vigorously traverse this rejection. Applicants maintain that the sequence for β PDGFR was

known in the art at the time of the invention. For instance, this sequence was placed in the EMBL database on September 17, 1987. The accession number for this entry is X04367. This sequence is also presently available in the EMBL/GEN BANK database (Accession No. J03278). Other references which pre-date the filing date of this application and which disclose the sequence for β PDGFR are Gronwald, *PNAS*, 85(10): 3435-9 (May 1988), and Claesson-Welsh, *Mol. Cell Biol.*, 8(8): 3476-87 (August 1988). Copies of these references are attached for the Examiner's convenience. Applicants respectfully urge the Examiner to withdraw his rejection under § 112 in view of the evidence that one of skill in the art would have known the sequence of β PDGFR through publicly available disclosures at the time of the filing date of this application. In the event the Examiner maintains this rejection, applicants will add all or part of the Yarden disclosure to the specification and file the requested affidavit. However, applicants respectfully urge Examiner Marschel to withdraw this rejection in view of the above.

The Examiner also rejects Claims 4-6 and 23 under § 112, second paragraph, on account of the word "also" in Claim 23. In response, applicants have amended Claim 23 to delete "also." Applicants have also amended Claim 23 to delete "at high affinity" which is believed to be an unnecessary recitation in this claim.

Applicants have added new Claims 26-29, which find support in the specification at page 17, lines 14-21, which describes T11-related cDNA and at page 34, lines 21-27, which describes the T11 gene product; at page 16, line 30 to page 7, line 7 for TR4 with open reading frame beginning at 139; and at page 17, lines 7-13 for TR4 without the signal peptide. Since these claims are of similar scope to the claims already deemed to be allowable, applicants urge that they also are allowable over the prior art because they meet all statutory requirements for patentability.

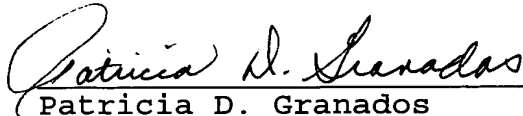
Serial No. 08/439,095

CONCLUSION

In view of the above amendments and arguments, applicants asserts that all claims, Claims 2-16, 18, 19 and 22-29 are in condition for allowance. Early notification thereof is respectfully requested.

Respectfully submitted,

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Attachment:

**Information Disclosure Statement
with references**

**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY DEFICIENCY
OR CREDIT ANY OVER-PAYMENT TO DEPOSIT ACCOUNT NO. 19-0741.**